

Appl. No. : 09/077,574
Filed : September 24, 1998

REMARKS

This Response to the Notice to Comply mailed from the patent and trademark office on June 29, 2000 (paper No. 7), amends the Sequence listing to conform to requirements under the USPTO.

The Sequence Listing and Specification were amended to correct several obvious errors and informalities present in the application as filed. Applicant amended SEQ ID NO:5 of the application to incorporate only nucleotide residues in upper case as required. Applicant further removed the amino acid translation from SEQ ID NOS: 6, 8, 11, 13, and 15 of the application as filed. Applicant further amended the sequence listing such that each peptide sequence contained in SEQ ID NOS: 7, 12, 14, and 16 of the application as filed is made the subject of a separate amino acid sequence listing. As a consequence of this amendment, proposed new SEQ ID NOS: 1-6 correspond to original SEQ ID NOS: 1-6 of the application as filed. original SEQ ID NO:7 is contained within new SEQ ID NOS:7 and 8. original SEQ ID NO:8 corresponds to new SEQ ID NO:9, original SEQ ID NO:9 corresponds to new SEQ ID NO:10, original SEQ ID NO:10 corresponds to new SEQ ID NO:11, original SEQ ID NO:11 corresponds to new SEQ ID NO:12, original SEQ ID NO:12 is contained within new SEQ ID NOS:13 and 14, original SEQ ID NO:13 corresponds to new SEQ ID NO:15, original SEQ ID NO:14 is contained within new SEQ ID NOS:16-20, original SEQ ID NO:15 corresponds to new SEQ ID NO:21, original SEQ ID NO:16 is contained within new SEQ ID NOS:22-27, and original SEQ ID NOS: 17-23 correspond to new SEQ ID NOS:28-34, respectively.

Furthermore several obvious errors in the specification as filed have been amended. The open reading frame (ORF) for SEQ ID NO:1 is incorrectly recited as nucleotides 1 to 1647, when it would be obvious to one of skill in the art that the reading frame comprises nucleotides 1 to 1644 because one of skill in the art would recognize that the stop codon beginning at nt 1645 would not be part of the ORF. Similarly, SEQ ID NO:3 was recited to comprise nucleotides 1-306 and should recite 1-303. Similarly, the open reading frame of SEQ ID NO:8 (new SEQ ID NO:9) was recited as comprising nucleotides 3-414 and the second ORF was nt 1083-1450, and should be 3-410 and 1080 to 1448.

With regard to new SEQ ID NO:10 (new SEQ ID NO:11), the first methionine residue at position 1 of the amino acid sequence was missing from the application as filed. In addition an

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asterisk was put at position 118 instead of an Xaa. Based on the nucleotide sequence SEQ ID NO:8, it would have been obvious to one of skill in the art that the above mistakes were made because the sequence clearly shows the nucleotide codon "ATG" at positions 1080-1082 and the codon "TTN" at nucleotide positions 1434-1436 encoding an Xaa.

With regard to SEQ ID NO:14 (new SEQ ID NO:20), the final threonine residue was missing from the amino acid sequence, however it is clearly present in the corresponding nucleotide and amino acid sequence in SEQ ID NO:13 (new SEQ ID NO:15). In particular the codon "ACC" at nucleotide positions 293-295 encodes the final Threonine.

Lastly, applicant notes that the derived amino acid sequence set forth in SEQ ID NO:13 (new SEQ ID NO:15) is in error insofar as the codons numbered 5, 7, 29, 44, 52, and 58 are incorrectly translated and it would be obvious to a person skilled in the art that those codons are not stop codons, but rather codons which encode the variable amino acid residue Xaa by virtue of the variable nucleotide residue in each codon. In this regard, the correct amino acid translation of original SEQ ID NO:13 is provided in original SEQ ID NO:14 wherein each amino acid residue is correctly designated as Xaa.

Applicant also request that page 17 be canceled and pages 10a and 11 to 16 as new pages 11-17, respectively. In addition please replace pages 32A and 32B with page 33 and 34 respectively and renumber 32A to 35 as 33 to 37 respectively.

None of the above amendments incorporate new matter.

Enclosed herewith are: (1) a paper copy of the Replacement Sequence Listing, (2) and a computer readable version of the Replacement Sequence Listing. The Response to Notice to Comply directs entry of the paper copy of the Sequence Listing into the application. In view of the foregoing, the application is believed to fully comply with the Sequence Listing Disclosure requirements.

VERIFICATION UNDER 37 C.F.R. §1.821(f) & (g)

All of the sequences in the attached Sequence Listing were included in the application as filed. Pursuant to 37 C.F.R. §1.821(g), no new matter is being added herewith. As required under 37 C.F.R. §1.821(f), I hereby verify that the data on the enclosed disk and the paper copies of the Sequence Listing are identical.

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Conclusion

Should there be any questions concerning this application, the Examiner is respectfully invited to contact the undersigned at the telephone number appearing below.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: 31 July 2000

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